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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,068	12/18/2001	Roy Want	42390P11690	8360

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EXAMINER
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PREVIL, DANIEL

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/025,068	<b>Applicant(s)</b> WANT ET AL.	
	<b>Examiner</b> Daniel Previl	<b>Art Unit</b> 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This action is responsive to communication filed on October 21, 2004.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12, 20, 26-28, 35-36, 42, are rejected under 35 U.S.C. 102(e) as being anticipated by Xydis (US 6,456,958).

Regarding claims 12, 20, 27, 35, Xydis discloses computer access device (abstract) which includes: a first wireless communication interface (antenna 18) (fig. 1, ref. 18; col. 3, lines 14-15) to communicate with at least one portable electronic device having a second wireless communication interface (antenna 32) (fig. 1, ref. 32; col. 3, lines 24-25); and a range sensor (processor 36) (fig. 2-fig. 4; ref. 36) to sense when a distance between the portable electronic device (token) (col. 5, line 24) and the computer access device (computer 72) (col. 5, line 24) is within a range (col. 5, lines 23-35); wherein the range sensor (processor 36) is separate from the first and second wireless communication interfaces (fig.

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1-fig. 4). Claims 27, 35 add : establishing substantive communications with the first second device using the communications interface (fig. 2-fig. 4; col. 3, lines 13-26).

Regarding claim 26, Xydis discloses a portable electronic device is selected from the group including a personal digital assistant (PDA), and MP3 player, and a personal computer (col. 3, lines 10-12).

Regarding claims 28, 36, Xydis discloses the particular device is within the range is done in a wireless fashion by a range sensor (processor 36) (fig. 2-fig. 4).

Regarding claim 42, Xydis discloses establishing communications includes communicating data between the particular first device and the second device which is uniquely associated with the particular second electronic device (fig. 2-fig. 4).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 13-15, 21-22, 25, 31-34, 39-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis (US 6,456,958) in view of Berliner et al. (US 6,731,908).

Regarding claims 13, 21, 31, 39, Xydis discloses all the limitations in claim 12 but fails to explicitly disclose first and second wireless communication interfaces communicate using a standardized communication protocol, at least the first wireless communication interface being to communicate with a plurality of second wireless communication interfaces each associated with a particular portable electronic device.

However, Berliner discloses the first and second wireless communication interfaces communicate using a standardized communication protocol (bluetooth protocol), the first wireless communication interface (base station 100) communicates with a plurality of second wireless communication interfaces being to communicate with a plurality of second wireless communication interfaces (remote units) each associated with a particular portable electronic device (fig. 1; col. 6, lines 4-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Berliner in Xydis. Doing so would determine the distance between electronic devices to facilitate reliable communications among devices thereby valuable information could be protected as taught by Berliner (col. 3, lines 40-60).

Regarding claim 14, Xydis discloses the range sensor (processor 36) (fig. 2-4, ref. 36) senses one of a plurality of first devices is within the predetermined physical range whereafter communications between the two devices are established via the first and second wireless communication interfaces (fig. 2-fig. 4; col. 5, lines 25-34).

Regarding claims 15, 25, 32, 40, Xydis discloses all the limitations in claim 12 but fails to explicitly disclose first and second wireless communication interfaces are communication modules which communicate using bluetooth 802.15 technology.

However, Berliner discloses first and second wireless communication interfaces are communication modules which communicate using bluetooth 802.15 technology (col. 4, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Berliner in Xydis in order to improve a reliable communication between devices, thereby saving time and money as taught by Berliner (col. 3, lines 55-60).

Regarding claim 22, Xydis discloses all the limitations in claim 20 but fails to explicitly disclose the computer access device to identify the portable electronic device.

However, Berliner discloses the computer access device to identify the portable electronic device (col. 7, lines 23-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Berliner in Xydis in order to identify electronic device to enhance communication between devices, thereby saving time and money as taught by Berliner (col. 3, lines 55-60).

Regarding claims 33-34, 41, Xydis discloses physical range is less than the wireless communication range and the method includes, once the particular first device has been identified, establishing substantive communications between the first device and the second device by means of wireless communication interfaces (fig. 2-fig. 4).

3. Claims 16, 23, 29, 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis (US 6,456,958) in view of Hind et al. (US 2002/0174025 A1).

Regarding claims 16, 23, 29, 37, Xydis discloses all the limitations in claim 12 but fails to explicitly disclose a tag reader which communicates with a radio frequency identification tag of the first device when the RFID tag is within the predetermined physical range thereby to identify the first device.

However, Hind discloses a tag reader 56 communicates with the RFID tag product of the PDA 20 through a short-range wireless communication (page 4, ref. 0041).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hind in Xydis. Doing so would insure a better communication between the devices which is quicker and convenient for the users, thereby saving time and money.

4. Claims 17-19, 24, 30, 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis in view of Keller et al. (US 2002/0054412 A1).

Regarding claims 17-18, 24, 30, 38, Xydis discloses all the limitations set forth in claim 12 but fails to explicitly disclose an optical arrangement to sense when the first device is within a predetermined angular range relative to the second device.

However, Keller discloses an optical arrangement to sense when the first device is within a predetermined angular range relative to the second device (optical signal from clients 14 (first device) spread significantly in diameter to angular spread in the transmitted light at the hub (second device)) (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Keller in Xydis. Doing so would insure a better communication between the devices which is quicker and convenient for the users, thereby users can save time and money.



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Regarding claim 19, Xydis disclose the predetermined physical range is less than the wireless communication range of the computer access device (fig. 2-fig. 4).

***Response to Arguments***

5. Applicant's arguments with respect to claims 12-42 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sallam (US 6,421,232) discloses a dual FPD and thin client.

Pellaumail et al. (US 6,409,086) discloses a terminal locking system.

Muraoka et al. (US 6,462,810) discloses a surveying system.

Landt et al. (US 6,078,251) discloses an integrated multi-meter and wireless communication link.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

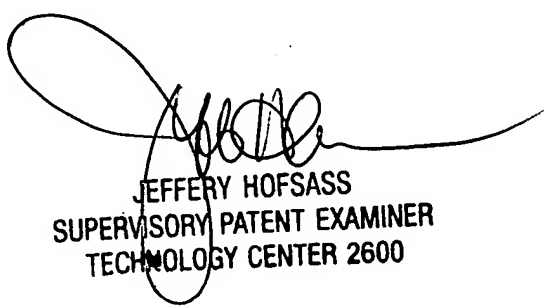
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2632

DP  
March 25, 2005



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
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